

Petition to Enforce Physical Placement

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Forms and Instructions for the following:

- **Petition to Enforce Physical Placement Order**
- **Notice of Hearing to Enforce Physical Placement Order**
- **Order to Enforce Physical Placement Order**

Overview

You may use this packet if you believe that the other parent has denied you physical placement (visitation) that has been court ordered. This packet is used only to **enforce** the current physical placement order and ensures that you will get into court within 30 days. If you would like to modify the court ordered legal custody or physical placement schedule that is currently in place, you may do so by using a separate packet available in the Court Self-Help Center.

You are encouraged to seek legal assistance to verify that these forms are the most appropriate for your situation, as the Court Self-Help Center staff cannot give legal advice.

Procedural Checklist

Requesting and Obtaining a Court Hearing

1. ☐ Complete the **Petition to Enforce Physical Placement Order (FA-609)** and the **Notice of Hearing to Enforce Physical Placement Order (FA-610)**. (Line-by-line instructions for these forms follow this checklist.)
2. ☐ **Attach a copy of your current physical placement (visitation) order AND you are encouraged by the court to attach additional information to supplement your request on the Petition.**
3. ☐ You may go to the Family Court Self-Help Center, Courthouse Room C-108, to have your forms reviewed for completeness and have copies made if necessary.

4. ☐ Go to the Customer Service window of the Family Court Office, Room C-112. The clerk will direct you to the appropriate calendar clerk to obtain a court date and court official's signature. **Caution! You will have to wait for court staff to obtain a court official's signature. For best results, go to the Family Court Office to request the signature between the hours of 8:30 - 11:30 a.m. or 1:30-4:00 p.m.**
 5. ☐ Once the calendar clerk has obtained a court official's signature, she will make three (3) copies and time stamp them. She will keep one (1) copy and return two (2) copies and the original to you.
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Having the Other Party Served

6. ☐ After filing the forms, you must make arrangements to have one of the date-stamped copies served on the other party. **Deadline:** The other party must be served with the forms **no later than five (5) business days before the date of the hearing.** For information on the options available to have the other party served, see the **Service Packet**, which is available in the Court Self-Help Center (Courthouse, Room C-108).
7. ☐ You **MUST** take the original **Affidavit of Service** or **Admission of Service** AND the original documents to your hearing. This proves that you served the **Petition to Enforce Physical Placement Order and Notice of Hearing to Enforce Physical Placement Order** on the other party, and on the State of Wisconsin, if it is a party. Keep one copy for your records.

Note: ***If you want the court to cancel or postpone your court hearing, you must make a written request to the court and notify all parties in writing of your request. You must then notify the other party(s) of the court's decision.***

Preparing and Appearing for Court

8. ☐ Go to the assigned courtroom at least 20 minutes before your court time and let the bailiff or court clerk know on which case you are appearing. Take a copy of the **Affidavit of Service** or **Admission of Service** and any other written evidence or documents you think may help you make your case to the court. If you wish to have others testify for you, make sure they come to court in person. A letter from them is not acceptable. When your case is called, go to the front of the room and sit where directed by the court or the bailiff. Take all your papers and documents with you.
 9. ☐ Present your case to the Judge as directed. Be prepared to state your side of each issue clearly and completely. Be prepared to answer questions that may be asked of you by the Court or by the other side. If you wish to offer written evidence or documents to the court, give the original to the court and a copy to the other side. Use the Affidavit you prepared as an outline to follow to be sure you remember each issue you want to raise.
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Completing the Order

10. ☐ The judge will state his/her decisions/rulings to you. Take notes because you must write the ruling onto the **Order to Enforce Physical Placement Order** form. The court **may** also set a review hearing for the parties to return to court.
11. ☐ Make four (4) copies of the **Order to Enforce Physical Placement Order**.

12. ☐ Send one copy of the **Order to Enforce Physical Placement Order** to the other party. On the same day you send the copy to the other party, file the original and three (3) copies in the Family Court Office (Courthouse, Room C-112), along with two self-addressed stamped envelopes (one addressed to you and one addressed to the other party).
13. ☐ The court will hold the **Order** for five (5) days to give the other party time to review the order and object to its accuracy. If there are no objections within the five days, the court will review, may sign, and will return the order to you and the other parties.
14. ☐ If the other party is found by the court to be in contempt of court, he/she may be given remedial sanctions or consequences for not complying with the original court order/judgment. He/she may also be given a certain amount of time to comply with specific actions to stop the contempt (also known as purge terms). The court official will give you instructions as to how to proceed from the date of the hearing. If the court does not give instructions, and the other party has not complied with the purge terms, you may write a letter to the court official explaining that the other party has not complied with the order and request action from the court. You must also send a copy of this letter to the other party(s).

Line-by-Line Form Instructions

Petition to Enforce Physical Placement Order:	This form informs the court, the other party, and the State (if a party) why you believe the other party has violated or not followed the Physical Placement Schedule ordered by the Court.
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1. ☐ Complete the caption (top portion) of the **Petition to Enforce Physical Placement Order**.
 - ☐ Write "Waukesha" on the top line before the word County.
 - ☐ Write your first name, middle initial, and last name on the line next to "Petitioner." Below your name, write your address.
 - ☐ Write the other party's first name, middle initial, and last name on the line next to "Respondent." Below the other party's name, write his or her address.
 - ☐ Write in your case number.
2. ☐ Complete the information regarding the respondent's physical characteristics to the best of your ability. This information is necessary for the process server.
3. ☐ **Question 1a:** On the first blank line write the name(s) of the child(ren) for whom you are trying to enforce the placement. On the second line write the name of the county in which the original placement order was granted. **Attach a copy of your current placement order.**
4. ☐ **Question 1b:** Place an "X" in the applicable box.
5. ☐ **Question 2:** Place an "X" in all of the boxes that apply.

6. ☐ **Requested Order:** Place an “X” in any of the six boxes to indicate what you are asking the court to do for you.
7. ☐ Sign and date the form in the presence of a Notary Public (Notary Publics are available in the courthouse, at banks or other businesses). **You must present your photo ID to the Notary.**

Notice of Hearing to Enforce Physical Placement Order:	This form notifies the other party of a court hearing on a specific date.
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1. ☐ Complete the caption of the **Notice of Hearing to Enforce Physical Placement Order**.
- ☐ Write “Waukesha” on the top line before the word County.
- ☐ Write your first name, middle initial, and last name on the line next to “Petitioner.” Below your name, write your address.
- ☐ Write the other party’s first name, middle initial, and last name on the line next to “Respondent.” Below the other party’s name, write his or her address.
- ☐ Write in your case number.
2. ☐ The court clerk in the Family Court Office, Room C-112, will fill in the Date, Time, Location and Court Official sections.
3. ☐ Sign and date the bottom of the form (this form does not need to be notarized).

Order to Enforce Physical Placement Order:	Without this written Order , the verbal orders/decisions made in court may not be enforceable.
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1. ☐ Complete the caption of the **Order to Enforce Physical Placement Order**.
- ☐ Write “Waukesha” on the top line before the word County.
- ☐ Write your first name, middle initial, and last name on the line next to “Petitioner.”
- ☐ Write the other party’s first name, middle initial, and last name on the line next to “Respondent.”
- ☐ Write in your case number.
2. **The Court Finds:** Mark the boxes that best describe what the Judge found to be the important facts of the case.
3. **It is Ordered:** Mark the boxes that best describe what the court ordered, and if necessary, complete the blanks that follow.

Petitioner: _____
 Address: _____

Petition to Enforce Physical Placement Order

-VS-
 Respondent: _____
 Address: _____

Case No. _____

Respondent's

Date of Birth	Sex	Race	Height	Weight	Hair color	Eye color

Based upon the following:

1a. I was awarded periods of physical placement of (name of child/ren) _____
 _____ by judgment or order of the Circuit
 Court or Family Court Commissioner of _____ County. A copy of the placement
 provisions is attached.

1b. The original order or judgment ☐ set ☐ did not set specific times for physical placement.

2. I have: *(Mark any of the boxes that apply.)*

- ☐ had one or more periods of physical placement denied by the respondent.
- ☐ had one or more periods of physical placement substantially interfered with by the respondent.
- ☐ incurred a financial loss or expenses as a result of the respondent's intentional failure to exercise periods of physical placement, without adequate notice, under an order allocating specific times for the exercise of placement.

I REQUEST THAT THE COURT ISSUE AN ORDER: *(Mark any of the following boxes that apply.)*

- ☒ 1. Granting additional periods of physical placement to replace those denied or interfered with.
- ☒ 2. Awarding reasonable costs and attorney fees.
- ☐ 3. Specifying the times for the exercise of periods of physical placement.
- ☐ 4. Finding the respondent in contempt.
- ☐ 5. Granting an injunction ordering the respondent to strictly comply with the judgment or order.
- ☐ 6. Requiring the respondent to pay me a sum of money sufficient to compensate for financial loss or expenses resulting from the respondent's intentional and unreasonable failure to exercise periods of placement under an order allocating specific times.

Subscribed and sworn to before me
 on _____

 Signature of Petitioner

 Notary Public, State of Wisconsin

 Date

My commission expires: _____

Distribution: 1. Court – Original; 2. Petitioner; 3. Respondent

Petitioner: _____

Address: _____

**Notice of Hearing to Enforce
Physical Placement Order**

-VS-

Respondent: _____

Address: _____

Case No. _____

A petition to enforce a physical placement order has been filed.

Please take notice that a hearing on that petition shall be held:

Date	Time	Location
Court Official		

Failure to appear could result in an order being issued granting the relief requested in the petition.

A copy of this Notice and the Petition shall be served on the respondent not less than 5 days prior to the hearing.

If petitioner seeks to have you found in contempt of court for non-compliance with the judgment or court order, and if you are found in contempt of court, a jail sentence could be imposed. You therefore have the right to be represented by an attorney at this hearing. Unless good cause is shown, failure to appear with an attorney may be considered a waiver of that right. If you cannot afford an attorney, contact the State Public Defender's Office to determine if that office will represent you.

If you need help in this matter because of a disability, please call:

Distribution:

1. Court – Original; 2. Petitioner; 3. Respondent

Signature of Petitioner or Attorney_____
Name Printed or Typed_____
Date

Petitioner: _____

Address: _____

**Notice of Hearing to Enforce
Physical Placement Order**

-VS-

Respondent: _____

Address: _____

Case No. _____

A petition to enforce a physical placement order has been filed.

Please take notice that a hearing on that petition shall be held:

Date	Time	Location
Court Official		

Failure to appear could result in an order being issued granting the relief requested in the petition.

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If you need help in this matter because of a disability, please call:

Distribution:

1. Court – Original; 2. Petitioner; 3. Respondent

Signature of Petitioner or Attorney_____
Name Printed or Typed_____
Date